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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,116	01/24/2000	Kristoffer Ptasinski	3660-9	6743

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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/490,116

Applicant(s)
Ptasinski et al.

Examiner
Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

2. The indicated allowability of claims 3 and 6 is withdrawn in view of the newly discovered reference(s) to Agahi-Kesheh, U.S. Patent No. 6,430,402. Rejections based on the newly cited reference(s) follow.

Claim Objections

3. Claim 4 is objected to because of the following informalities: In line 10, "preterminated" should read --predetermined--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by

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another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Agahi-Kesheh.

Regarding claim 1, Agahi-Kesheh discloses a portable multi-band communication device comprising a power amplifier, a battery for supplying power to the power amplifier (col. 6, lines 11-20), a controller arranged to control an output power level of the communication device by generating a digital control signal for the power amplifier to monitor the digital control signal (col. 7, lines 34-58) and in response, to determine a specific amount of electric energy consumed from the battery (col. 8, lines 12-48).

Regarding claim 3, Agahi-Kesheh discloses a portable multi-band communication device as in claim 1, further comprising a memory operatively connected to the controller is adapted to store a set of predetermined consumption values associated with different values of the digital control signal (col. 8, lines 28-48 and col. 9, lines 18-28).

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Regarding claim 8, Agahi-Kesheh discloses a portable multi-band communication device as in claim 1, wherein the device is a mobile telephone employing TDMA or W-CDMA (col. 4, lines 63-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi-Kesheh in view of Baranowski et al (Baranowski), U.S. Patent No. 5,613,229.

Regarding claim 2, Agahi-Kesheh, discloses a portable multi-band communication device as in claim 1. Agahi-Kesheh, however fails to disclose the device comprising a D/A (digital-to-analog) converter operatively connected to the power amplifier, and arranged to receive, as an input, the digital control signal, convert the digital control signal into an analog control signal and provide the analog control signal to the power amplifier.

Baranowski discloses this limitation (col. 8, line 51-col. 9, line 2).

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Agahi-Kesheh with the teachings of Baranowski for the purpose of obtaining desired current levels for charging the battery (Baranowski, col. 8, line 51-col. 9, line 2).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi-Kesheh.

Regarding claim 6, Agahi-Kesheh discloses a portable multi-band communication device as in claim 3 described above. Agahi-Kesheh, however, is silent as to how the predetermined consumption values are represented. The examiner contends, however, that such a polynomial representation is well known in the art. Therefore, at the time of invention, it would have been obvious to implement such polynomial representation since such a technique is used in conjunction with battery consumption values.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi-Kesheh as applied to claim 1 above, and further in view of Rosenthal, U.S. Patent No. 5,838,140.

Regarding claim 7, Agahi-Kesheh discloses a portable multi-band communication device as in claim 1.

Agahi-Kesheh, however fails to disclose the device further comprising a graphical display wherein a controller is arranged to calculate an estimated remaining battery capacity by subtracting the determined consumption of electric energy from a previous value of remaining

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battery capacity, and wherein the controller is arranged to visually indicate the calculated estimated remaining battery capacity on the graphical display.

In a similar field of endeavor, Rosenthal discloses a portable telephone with a battery consumption technique.

Rosenthal further discloses a graphical display wherein a controller is arranged to calculate an estimated remaining battery capacity by subtracting the determined consumption of electric energy from a previous value of remaining battery capacity, and wherein the controller is arranged to visually indicate the calculated estimated remaining battery capacity on the graphical display (col. 3, line 59-col. 4, line 3 and col. 4, line 44-col. 5, line 4).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Agahi-Kesheh with graphical interface taught in Rosenthal for the purpose of indicating to the user how much battery life is remaining in order to give the user enough time to handle the present call appropriately (such as hang up, hurry the present conversation, or begin to apply an external charging power to the depleting battery in order to complete the conversation, etc.).

Allowable Subject Matter

10. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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11. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4 and 5, prior art fails to suggest or render obvious a communication device having a controller used to perform the multiple functions as described.

12. Claims 9 and 10 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 10, prior art fails to suggest or render obvious storing a set of predetermined consumption values providing an association between different amounts of electric charge consumption and respective values of a digital control signal.

Regarding claim 10, it is indicated allowable based on its dependence from allowable claim 9.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shibuya et al, U.S. Patent No. 6,140,928, discloses a remaining battery capacity measuring device.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:45 am to 3:15 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Temica M. Davis

October 5, 2003


TEMICA M. DAVIS
PATENT EXAMINER